

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86563033
LAW OFFICE ASSIGNED	LAW OFFICE 110
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86563033/large
LITERAL ELEMENT	TRUE FIDUCIARY ADVISOR
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
<p>Still continuing from the time of the December 2015 responses last filed by Applicant and the time of the January 2016 responses from the examining attorney as well as the entirety of time for response to those office action responses and now into July of 2016, there has been no act to make any filing of any effective statement of use to support Registration No. 3,154,545. The tenth anniversary of the date of registration is very shortly to arrive on October 10, 2016 (and renewal was allowable under the requisite timetable as of October 1, 2015) and following therefrom, the grace period for this filing will be concluded (to be ending on April 10, 2017).</p> <p>Still continuing from the time of the December 2015 responses last filed by Applicant and the time of the January 2016 responses from the examining attorney as well as the entirety of time for response to those office action responses and now into July of 2016, there has been no act to make any filing of any effective statement of use to support Registration No. 3,831,739. The fifth anniversary of the date of registration, August 10, 2015, is now significantly past, and following therefrom, the sixth anniversary of the date of registration is very shortly to arrive on August 10, 2016 and the grace period for this filing will even itself shortly be concluded (to be ending on February 10, 2017).</p> <p>Applicant defers further response to the refusal at this time and will accept the examining attorney's action to suspend or, in the alternative, a withdrawal of the refusal if such a determination is so made by the examining attorney. (An action to have the cited Registration No. 3,154,545 and the cited Registration No. 3,831,739 be abandoned will also eliminate the 2(d) refusal as there will no longer be a refusal tenable for any likelihood of confusion with the marks cited by the examining attorney.)</p> <p>Further, the present filing of an appeal and moreover, subsequent prosecution of any appeal, were the examining attorney not to suspend, would also be reasonably (and probably prudently) suspended for expediency and conservation of judicial resources due to the near term requirement for the renewal and maintenance filings for the marks subject of Registration No. 3,154,545 and Registration No. 3,831,739. As such, the present suspension by the examining attorney would appear, again for these reasons as well, to be the most reasonable course if the examining attorney were not to withdraw the refusals stated.</p>	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Kevin Oliveira/
SIGNATORY'S NAME	Kevin Oliveira
SIGNATORY'S POSITION	Attorney of record, Virginia bar member
SIGNATORY'S PHONE NUMBER	(703) 218-2138
DATE SIGNED	07/11/2016
AUTHORIZED SIGNATORY	YES

CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Jul 11 15:57:19 EDT 2016
TEAS STAMP	USPTO/RFR-XX.XXX.XX.XX-20 160711155719084894-865630 33-55095f14fe54e71c2aa5cf 79d129fb9c07410f1a23a159c 1dd1c9fd9238e85930-N/A-N/ A-20160711155656328749

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PTO Form 1960 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **86563033** TRUE FIDUCIARY ADVISOR(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86563033/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Still continuing from the time of the December 2015 responses last filed by Applicant and the time of the January 2016 responses from the examining attorney as well as the entirety of time for response to those office action responses and now into July of 2016, there has been no act to make any filing of any effective statement of use to support Registration No. 3,154,545. The tenth anniversary of the date of registration is very shortly to arrive on October 10, 2016 (and renewal was allowable under the requisite timetable as of October 1, 2015) and following therefrom, the grace period for this filing will be concluded (to be ending on April 10, 2017).

Still continuing from the time of the December 2015 responses last filed by Applicant and the time of the January 2016 responses from the examining attorney as well as the entirety of time for response to those office action responses and now into July of 2016, there has been no act to make any filing of any effective statement of use to support Registration No. 3,831,739. The fifth anniversary of the date of registration, August 10, 2015, is now significantly past, and following therefrom, the sixth anniversary of the date of registration is very shortly to arrive on August 10, 2016 and the grace period for this filing will even itself shortly be concluded (to be ending on February 10, 2017).

Applicant defers further response to the refusal at this time and will accept the examining attorney's action to suspend or, in the alternative, a withdrawal of the refusal if such a determination is so made by the examining attorney. (An action to have the cited Registration No. 3,154,545 and the cited Registration No. 3,831,739 be abandoned will also eliminate the 2(d) refusal as there will no longer be a refusal tenable for any likelihood of confusion with the marks cited by the examining attorney.)

Further, the present filing of an appeal and moreover, subsequent prosecution of any appeal, were the examining attorney not to suspend, would also be reasonably (and probably prudently) suspended for expediency and conservation of judicial resources due to the near term requirement for the renewal and maintenance filings for the marks subject of Registration No. 3,154,545 and Registration No. 3,831,739. As such, the present suspension by the examining attorney would appear, again for these reasons as well, to be the most reasonable course if the examining attorney were not to withdraw the refusals stated.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Kevin Oliveira/ Date: 07/11/2016

Signatory's Name: Kevin Oliveira

Signatory's Position: Attorney of record, Virginia bar member

Signatory's Phone Number: (703) 218-2138

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86563033

Internet Transmission Date: Mon Jul 11 15:57:19 EDT 2016

TEAS Stamp: USPTO/RFR-XX.XXX.XX.XX-20160711155719084

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/A-N/A-20160711155656328749